

**REMARKS**

Claims 1, 2, and 5-17 are pending in this application.

Applicants have amended claims 1, 2, 5, 8-10, and 12-17. The changes to these claims are not believed to introduce any new matter.

**Rejection under 35 U.S.C. § 102(e)**

In the Office Action, claims 1, 2, 5, and 8-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Ikegami et al.* ("*Ikegami*") (U.S. Patent No. US 6,456,400 B1). As will be explained in more detail below, the *Ikegami* reference does not disclose each and every feature of independent claims 1, 2, 8-10, and 12-17, as amended herein.

Applicants have amended independent claims 1 and 14 to specify that the image processing control data is generated by the shooting device. Applicants have amended independent claims 2, 8-10, 12, 13, and 15-17 to specify that the picture data and the image processing control data is generated by a shooting device. Support for these changes can be found in Applicants' specification at, for example, Paragraphs [0044]-[0046].

In support of the anticipation rejection, the Examiner alleges that the "format" shown by *Ikegami* corresponds to the image processing control data of the claimed subject matter (see the Office Action at page 2). Applicants respectfully traverse the Examiner's characterization of the *Ikegami* reference relative to the claimed subject matter.

As described in the *Ikegami* reference in column 8, lines 26-37, facsimile apparatus 201 obtains the output ability of an external printer that is coupled to the facsimile apparatus through a LAN, and stores the output ability in data memory 109 within the facsimile apparatus. In the procedure described in column 8, lines 38-42, the output ability of the external printer (thus, the reception ability of facsimile apparatus 201), which is stored in data memory 109, is converted to a format that can be transmitted to communication line 116, and is transmitted to the communication line. As stated in column 4, lines 60-61, "the recording

ability of the facsimile apparatus is declared to a transmitter as a reception ability.” In short, the *Ikegami* reference discloses that the facsimile apparatus obtains the output ability of an external printer that is coupled to the facsimile apparatus through a LAN, and transmits that output ability in a form suitable to the transmission line.

As specified, for example, in claims 1 and 2, the image processing control data of the claimed subject matter is associated with the picture data. The “format” shown in the *Ikegami* reference is not associated with any picture data. Further, each of the independent claims specifies that the image processing control data is generated by the shooting device. The “format” shown in the *Ikegami* reference is not generated by any shooting device. Thus, for at least the foregoing reasons, the *Ikegami* reference does not disclose each of every feature of the claimed subject matter.

Accordingly, claims 1, 2, 5, and 8-17, as amended herein, are patentable under 35 U.S.C. § 102(e) over *Ikegami*.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ikegami* in view of *Bishay et al.* (U.S. Patent No. U.S. 6,256,350 B1). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ikegami* in view of *Bishay et al.* and *Parulski* (U.S. Patent No. US 6,937,997 B1). Each of claims 6 and 7 ultimately depends from claim 2. As neither the *Bishay et al.* reference nor the *Parulski* reference cures the above-discussed deficiencies of the *Ikegami* reference relative to the subject matter defined in claim 2, claims 6 and 7 are patentable under 35 U.S.C. § 103(a) over the applied prior art for at least the reason that they ultimately depend from claim 2.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1, 2, and 5-17, as amended herein, and submit that these claims are

in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP007).

Respectfully submitted,  
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